IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 7TH FEBRUARY 2007 / 18TH MAGHA 1928

WP(C).No. 677 of 2007(E)

PETITIONER:

R. LEELA DARLING, W/O.M. AUGUSTINE,
AGED 56 YEARS, HIGH SCHOOL ASSISTANT
(NATURAL SCIENCE) (RETD.) VICTORY VOCATIONAL
HIGHER SECONDARY SCHOOL (RESIDING AT MALARVADI,
OLATHANNI, NEYYATTINKARA-695 121, TRIVANDRUM.)

BY ADV. SRI.V.A.MUHAMMED

RESPONDENTS:
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1. **THE STATE OF KERALA, REPRESENTED BY**
   THE SECRETARY TO GOVERNMENT, GENENERAL
   EDUCATION DEPARTMENT, SECRETARIAT, TRIVANDRUM.

2. **THE DIRECTOR OF PUBLIC INSTRUCTION**
   JAGATHY, TRIVANDRUM-14.

3. **THE DEPUTY DIRECTOR OF EDUCATION,**
   TRIVANDRUM.

4. **THE DISTRICT EDUCATIONAL OFFICER,**
   NEYYATTINKARA, TRIVANDRUM DISTRICT.

5. **THE PRINCIPAL/HEADMASTER**
   VICTORY VOCATIONAL HIGHER SECONDARY
   SCHOOL, OLATHANNI, NEYYATTINKARA,
   TRIVANDRUM.

BY ADV. SRI.V.N.ACHUTHA KURUP (SR.)
BY GOVERNMENT PLEADER SMT.M.R.SREELATHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.677/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN WP(C) NO.2035/2006-P.

EXT.P2:- COPY OF THE G.O.(Rt) NO.4020/06/G1. EDN. OF THE GOVERNMENT.

EXT.P3:- COPY OF THE COMMUNICATION ADDRESSED TO THE 4TH RESPONDENT.

EXT.P4:- COPY OF THE -DO- TO THE 5TH RESPONDENT.

EXT.R5(A):- COPY OF THE LETTER NO.19/07 DT.16.1.07 OF THE 5TH RESPONDENT TO THE DISTRICT EDUCATIONAL OFFICER, NEYYATTINKARA.

/TRUE COPY/

tss

K.M.JOSEPH, J.

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WP.(C) No.677 OF 2007

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Dated this the 7th day of February, 2007

JUDGMENT

Petitioner is a retired teacher. Service benefits are not settled.

2. Counter affidavit is filed denying the allegations. Petitioner has filed reply affidavit. In the same it is stated as follows:

> "It is submitted that all along I had been presenting the pension proposals before the fifth respondent. But she had been sending me back on one reason or the other. It appears that the same was being performed in collusion with the Manager to harass me even after retirement. The volume of harassment that I had suffered while in service knows better to the Department. Still, it is made clear that even on today, I am ready to submit the pension proposal in full shape. What remains is only its acceptance by the fifth respondent and her forwarding the same to the fourth respondent for further action without any delay.
>
> It is submitted that I am in dire need of money. Marriage of my 2nd daughter is slated in the last week of March 2007. Therefore, my pensionary claims may be settled shortly. It is further submitted that I apprehend dragging of payment of my claims by the 5th respondent

beyond March 2007 under some pretext."

Learned counsel for the fifth respondent would submit that in fact on 25.1.2007 a registered letter was sent calling upon the petitioner to submit pension papers. But it is not done, is what the Principal says. But learned counsel for the petitioner submits that the pension papers were submitted on 31.1.2007.

In such circumstances, the writ petition is disposed of directing the fifth respondent to forward the pension papers to the fourth respondent within a period of ten days from the date of receipt of a copy of this judgment. Upon receipt of the papers the fourth respondent will take appropriate action without any delay.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.